

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: C. R. BARD, INC., PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL NO. 2187

**THIS DOCUMENT RELATES TO:
ALL CASES**

**C. R. BARD, INC.'S MOTION TO DISQUALIFY
NEERAJ KOHLI, M.D. AS AN EXPERT FOR PLAINTIFFS**

COMES NOW Defendant C. R. Bard, Inc. ("Bard") respectfully moves the Court for an order disqualifying Neeraj Kohli M.D. from serving as an expert for Plaintiffs in this litigation in any capacity.

This Motion, as explained in more detail in the attached Memorandum of Law in Support, is based on the grounds that Plaintiffs have named one of Bard's retained experts, Dr. Neeraj Kohli, as both a generic and case specific expert in the most recent round of disclosures. Bard retained Dr. Kohli as an expert consultant for its pelvic mesh cases starting in 2010. He testified at trial as a retained expert for Bard in a case that is currently on appeal. He also consulted on multiple specific cases in this MDL. An expert's blatant side switching within the same litigation, as Dr. Kohli has effectively done here, cannot be condoned and provides clear grounds for disqualification. *Rhodes v. E.I. du Pont de Nemours & Co.*, 558 F. Supp. 2d 660, 664 (S.D. W. Va. 2004). Moreover, Dr. Kohli has been privy to multiple discussions regarding Bard's litigation strategy and has received confidential and privileged information at the heart of this litigation, which further serves to establish that he must be disqualified from serving as Plaintiffs' expert witness in this MDL. *Id.* at 667. This motion is supported by the

Memorandum of Law in Support, Exhibits 1 through 10 attached thereto, and all other papers and pleadings on filed in this action.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law in Support, Bard respectfully requests that this Court enter an Order disqualifying Dr. Kohli from serving as Plaintiffs' expert or consultant.

Dated: October 21, 2014

/s/ Michael K. Brown

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2014, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

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